

Message Text

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TO ALL DIPLOMATIC AND CONSULAR POSTS

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INFORM CONSULS

E.O. 11652: N/A

TAGS:PINR, ASEC

SUBJECT: REVISED CONTROLS FOR DISSEMINATION AND USE OF
FOREIGN INTELLIGENCE

1. ON AUGUST 7, 1975 THE DIRECTOR OF CENTRAL INTELLIGENCE ISSUED A REVISED DIRECTIVE (DCID 1/7), WHICH ESTABLISHED NEW CONTROL MARKINGS FOR THE USE AND DISSEMINATION OF FOREIGN INTELLIGENCE WITHIN THE U.S. GOVERNMENT. THE DIRECTIVE WHICH WAS APPROVED BY ALL MEMBER AGENCIES OF THE UNITED STATES INTELLIGENCE BOARD (USIB), OF WHICH STATE IS A MEMBER, BECOMES EFFECTIVE OCTOBER 5, 1975. ON THAT DATE, DOCUMENTS AND COMMUNICATIONS CONTAINING CLASSIFIED FOREIGN INTELLIGENCE MUST ADHERE TO THE PROVISIONS OF THE DIRECTIVE AND CARRY THE NEW CONTROLS AS REQUIRED. FAILURE TO OBSERVE THE REQUIREMENTS OF THE DIRECTIVE WILL BE CONSIDERED A SERIOUS SECURITY VIOLATION AND MUST BE REPORTED AND HANDLED AS PRESCRIBED IN 5 FAM 994. THE NEW DIRECTIVE WILL BE INCORPORATED INTO THE REGULATIONS AS AN APPENDIX TO 5 FAM 900. THE CURRENT CONTROL MARKINGS (SEE 11 FAM 418), ARE UNCLASSIFIED

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STILL VALID FOR DOCUMENTS DATED PRIOR TO OCTOBER 5, 1975.

QUESTIONS WITH RESPECT TO APPLICATION OF THE NEW CONTROL IN RELATION TO INFORMATION PROTECTED BY THE OLD CONTROLS SHOULD BE REFERRED TO THE ORIGINATOR.

2. FOLLOWING IS A SUMMARY OF THE DIRECTIVE LISTING THE NEW MARKINGS WITH BRIEF DEFINITION OF THEIR MEANINGS AND RESTRICTIONS REGARDING HANDLING OF INFORMATION CARRYING THE MARKINGS. ALL DOCUMENTS, E.G. TELEGRAMS, MEMORANDA, OFFICIAL-INFORMAL LETTERS, IN WHICH INTELLIGENCE INFORMATION BEARING ANY OF THESE CONTROLS IS INCLUDED, REFERENCED OR PARAPHRASED MUST CARRY OVER THE MARKINGS. SUCH DOCUMENTS SHALL ALSO BE MARKED AS EXEMPTED FROM AUTOMATIC DECLASSIFICATION EXEMPTION CATEGORY 5-B-2 OF E.O. 11652 (IN TELEGRAMS USE XGDS-2), AND SHALL ALSO CARRY THE "WARNING NOTICE-SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED", AS PRESCRIBED BY EXECUTIVE ORDER 11652.

3. SUMMARY: DIRECTOR OF CENTRAL INTELLIGENCE 1/7, CONTROL OF DISSEMINATION OF FOREIGN INTELLIGENCE.

- -A. PURSUANT TO PROVISIONS OF SUBSECTION 102(D) OF THE NATIONAL SECURITY ACT OF 1947, AS AMENDED, AND OTHER AUTHORITIES VESTED IN THE DIRECTOR OF CENTRAL INTELLIGENCE BY THE NATIONAL SECURITY COUNCIL, CERTAIN CONTROLS ON DISSEMINATION OF FOREIGN INTELLIGENCE AND RELATED MATERIAL, (HEREAFTER REFERRED TO AS FOREIGN INTELLIGENCE) ARE HEREBY ESTABLISHED AND PROMULGATED.

THIS DIRECTIVE ESTABLISHES CERTAIN COMMON CONTROLS AND PROCEDURES FOR THE USE AND DISSEMINATION OF FOREIGN INTELLIGENCE TO ENSURE ADEQUATE PROTECTION OF FOREIGN INTELLIGENCE SOURCES AND METHODS.

THE CONTROLS AND PROCEDURES SET FORTH IN THIS DIRECTIVE SHALL BE UNIFORMLY APPLIED BY ALL MEMBER AGENCIES OF THE INTELLIGENCE COMMUNITY IN THE HANDLING OF ALL MATERIALS CONTAINING FOREIGN INTELLIGENCE ORIGINATED BY THE CENTRAL INTELLIGENCE AGENCY OR BY THE INTELLIGENCE COMPONENTS OF OTHER USIB DEPARTMENTS OR AGENCIES. THE PROVISION OF THIS DIRECTIVE APPLIES TO ORAL TRANSMISSION OF INFORMATION AS UNCLASSIFIED

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WELL AS WRITTEN COMMUNICATIONS.

- - B. THE AGENCIES OF THE USIB, IN CONTROLLED RELIEF OF THE "THIRD AGENCY RULE" OF E.O. 11652, GIVE ADVANCE AUTHORIZATION TO USE EACH OTHER'S CLASSIFIED FOREIGN INTELLIGENCE IN THEIR RESPECTIVE DOCUMENTS OR INFORMATION MEDIA, AND TO DISSEMINATE THEIR PRODUCTS TO THIRD AGENCIES, OR IN THE ABSENCE OF ANY CONTROL MARKINGS, TO FOREIGN GOVERN-

MENTS, SUBJECT TO THE LIMITATIONS AND PROCEDURES PRESCRIBED BY THIS DIRECTIVE. THIS ADVANCE CONSENT APPLIES ONLY TO INFORMATION AND NOT TO DOCUMENTS OF OTHER AGENCIES.

-- C. THE FOLLOWING MARKINGS WILL BE USED ON INTELLIGENCE INFORMATION WHENEVER, IN THE OPINION OF THE ORIGINATOR, EXTRAORDINARY CIRCUMSTANCES REQUIRE SPECIFIC RESTRICTIONS. THE MARKINGS ARE INTENDED FOR FOREIGN INTELLIGENCE, THE DISCLOSURE OF WHICH COULD: COMPROMISE THE STATUS OF COLLABORATING FOREIGN GOVERNMENTS OR OFFICIALS OR OTHERWISE SERIOUSLY DAMAGE U.S. FOREIGN RELATIONS; SUBJECT U.S. CITIZENS OR OTHERS TO PERSONAL JEOPARDY; OR SERIOUSLY DAMAGE THE OVERALL U.S. INTELLIGENCE PROGRAM. THEY ARE TO BE CARRIED FORWARD TO ANY FORMAT INVOLVING THE INFORMATION, INCLUDING ORAL AND VISUAL PRESENTATIONS.

- - - (1) "DISSEMINATION AND EXTRACTION OF
INFORMATION CONTROLLED BY ORIGINATOR

THIS IS THE MOST RESTRICTIVE MARKING OF THE DIRECTIVE AND IS USED WHEN UNIQUE SOURCE SENSITIVITY REQUIRES STRICT COMPLIANCE WITH THE "THIRD AGENCY RULE". INFORMATION COVERED BY THIS MARKING SHALL NOT BE DISSEMINATED BEYOND HEADQUARTERS ELEMENTS OF RECIPIENT ORGANIZATIONS AND THE INFORMATION SHALL NOT BE EXTRACTED AND INCORPORATED WITHOUT SPECIFIC PERMISSION OF THE ORIGINATOR. IN THE DEPARTMENT DISTRIBUTION MAY NOT BE MADE TO OVERSEAS POSTS OR OUTSIDE STATE HEADQUARTERS.

- - - (2) "USIB DEPARTMENTS ONLY"

INFORMATION SO MARKED WILL NOT BE DISSEMINATED TO DEPARTMENTS AND AGENCIES NOT REPRESENTED ON THE UNITED STATES UNCLASSIFIED

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INTELLIGENCE BOARD WITHOUT PERMISSION OF THE ORIGINATORS.

- - - (3) "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/
CONSULTANTS"

INFORMATION SO MARKED SHALL NOT BE DISSEMINATED TO CONTRACTORS OR CONTRACTOR/CONSULTANTS WITHOUT PERMISSION OF THE ORIGINATOR. THIS RESTRICTION DOES NOT APPLY TO CONSULTANTS HIRED UNDER CIVIL SERVICE COMMISSION PROCEDURES OR UNDER PROCEDURES OF THE FOREIGN SERVICE ACT WHO ARE NORMALLY CONSIDERED AN EXTENSION OF THE OFFICE IN WHICH THEY ARE EMPLOYED.

- - - (4) "CAUTION-PROPRIETARY INFORMATION INVOLVED"

THIS MARKING IS USED TO PROTECT FOREIGN INTELLIGENCE OBTAINED FROM SOURCES IN THE U.S. PRIVATE BUSINESS SECTOR. RECIPIENTS SHALL TAKE EVERY REASONABLE PRECAUTION TO ENSURE THAT USE OF THE INFORMATION SHALL NOT BE DETRIMENTAL TO THE SOURCE.

- - - (5) "NOT RELEASABLE TO FOREIGN NATIONALS"

INFORMATION SO MARKED HAS RECEIVED SPECIAL CONSIDERATION THAT IT NOT BE RELEASED IN ANY FORM TO ANY FOREIGN GOVERNMENT, FOREIGN NATIONAL, OR NON U.S. CITIZEN.

-- D. ANY RECIPIENT DESIRING TO USE FOREIGN INTELLIGENCE CONTRARY TO THE RESTRICTIONS ESTABLISHED BY THE DIRECTIVE MARKINGS MUST OBTAIN PERMISSION FROM THE ORIGINATOR.

THE CONTROL MARKINGS DESCRIBED ABOVE SHALL BE PROMINENTLY DISPLAYED ON DOCUMENTS AND INCORPORATED INTO THE TEXT OF COMMUNICATION MESSAGES.

4. PRINCIPAL OFFICERS AND OTHER SUPERVISING PERSONNEL ARE REQUESTED TO ENSURE THAT ALL WHO HAVE ACCESS TO FOREIGN INTELLIGENCE ARE THOROUGHLY FAMILIAR WITH THE REQUIREMENTS SET FORTH IN THIS DIRECTIVE AND ARE URGED TO IMPRESS ON ALL CONCERNED OF THE POSSIBLE SERIOUS CONSEQUENCES OF FAILURE TO OBSERVE THE CONTROLS AND PROCEDURES PRESCRIBED
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BY THE DIRECTIVE. AT OVERSEAS POSTS, INCLUSION OF FOREIGN INTELLIGENCE IN COMMUNICATIONS TO THE DEPARTMENT SHOULD BE CLEARED THROUGH APPROPRIATE CHANNELS WITH THE ORIGINATING AGENCY.

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